

REMARKS

Claims 6-22 and 24-29 were pending in this application. By this Amendment claim 12 has been canceled and claim 6 has been amended without prejudice to applicants' right to pursue the deleted subject matter in a future continuing application. Upon entry claims 6-11, 13-22 and 24-29 are pending.

Support for the amendment of claim 6 may be found, *inter alia*, in original claim 12. Applicants maintain that the amendment does not raise an issue of new matter. Entry of this Amendment is respectfully requested.

Applicants acknowledge the indication that claims 14-22 and 24-29 are allowable.

INVENTION IS ENABLED

Claims 6-11 and 13 have been rejected under 35 USC 112, first paragraph, as allegedly not being enabled by the specification. The rejection is respectfully traversed.

The basis of the rejection is said to be that "the specification, while being enabling for treating type II diabetes, does not reasonably provide enablement for treating type I diabetes or treating gestational diabetes." (August 26, 2008 Office Action, page 3).

The Office Action stated, "Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." (August 26, 2008 Office Action, page 2). Claim 12, which depended from claim 6, recited that the condition is insulin resistance syndrome or Type II Diabetes. Accordingly, the Office has acknowledged that a method of treating insulin resistance syndrome or Type II Diabetes is enabled.

Claim 6 has been amended to incorporate the limitations of original claim 12, and claim 12 has been canceled. Claim 6 as amended is substantively equivalent to claim 12, which the Office has acknowledged to be patentable subject matter. Claims 7-11 and 13 depend from claim 6. Accordingly, applicants submit that the enablement rejection has been overcome.

CONCLUSION

In view of the amendments and the preceding remarks, applicants respectfully submit that the subject application is now in condition for allowance. Reconsideration and withdrawal of all rejections and objections, and prompt notice of allowance, are respectfully requested.

No fee is believed necessary in connection with the filing of this Amendment. If any fee is required, the Commissioner is hereby authorized to charge the amount of such fee, or to refund any overpayment, to Deposit Account No. 50-1677.

Respectfully submitted,

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